

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Kimberly Phillips

Plaintiff

vs.

Charter Communications, Inc.
Welfare Benefit Plan

Defendant

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CIVIL NO.: 1:18-cv-117

ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

NOW COMES Kimberly Phillips, Plaintiff herein, complaining of the Charter Communications, Inc. Welfare Benefit Plan, Defendant, and for cause of action would show:

1. Plaintiff was a resident of Round Rock, Williamson County, Texas at the time the conduct described in this Complaint occurred.
2. Defendant, the Charter Communications, Inc. Welfare Benefit Plan, ("the Plan") is an employee welfare benefits plan, which provides employee benefits to employees of Charter Communications, Inc. in the State of Texas. It may be served with citation herein by serving its Agent for Service of Legal Process, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE, 19808.

3. Jurisdiction is appropriate in this court as the matter in controversy arises under federal statutes. Plaintiff is entitled to recover under the civil enforcement provisions of the Employee Retirement Income Security Act of 1974 (“ERISA”), specifically including 29 U.S.C. § 1132 (a)(1)(B) and 29 U.S.C. § 1133. Plaintiff would show that she is a participant in or beneficiary of the Plan. Plaintiff brings this action to recover past benefits, to enforce her rights under the terms of the Plan, to clarify her right to future benefits under the terms of the Plan, and to obtain other appropriate equitable relief.
4. Plaintiff was employed by Charter Communications, Inc. in 2017 when she became disabled. At that time, Plaintiff was a participant in the Plan which provided her both Short Term and Long Term Disability benefits. Plaintiff properly submitted a claim for disability benefits to Sedgwick, the claims administrator for the Charter Communications, Inc. Short-Term Disability Program, which is a component program under the Plan. Plaintiff’s claim, identified as claim number 30177621633-0001, was initially approved, but thereafter denied. Plaintiff then properly appealed to the designated fiduciary of the Plan but her appeal was denied on August 15, 2017.
5. Plaintiff has exhausted all administrative remedies available to her under the Plan. All conditions precedent to this cause of action have been met or have occurred.
6. Plaintiff is entitled to recover under the civil enforcement provisions of ERISA and

seeks the benefits she has been denied, clarification of her right to receive future benefits under the Plan, attorney's fees and expenses incurred herein and other appropriate equitable relief.

WHEREFORE, Plaintiff prays that Defendant be cited to appear herein and answer and that on final hearing, she have judgment against Defendant for her damages, plus pre-judgment and post-judgment legal interest, for costs of suit, for reasonable attorney's fees and expenses incurred and that Plaintiff have a clarification of her right to receive future benefits, to which she may show herself justly entitled under the attending facts and circumstances.

Respectfully submitted,

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By: /s/ Lonnie Roach
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